

REMARKS

This Response is submitted in reply to the Office Action dated September 8, 2004. Claims 1, 9, 10, 12, 20, 21, 24, 29, 36 and 44 are amended herein. New Claims 55 to 59 have been added. Claims 4 to 8, 15 to 19, 27, 34 and 40 have been cancelled without prejudice or disclaimer. No new matter is being introduced by way of the amendments or additions.

A Request for Continued Examination is submitted herewith. A check in the amount of \$1,230.00 is submitted herewith to cover the cost of the RCE and new claims. Please charge deposit account number 02-1818 for any insufficiency of payment or credit any overpayment.

In the Office Action, Claims 1 to 6, 11 to 17, 22 to 33 and 35 to 54 were rejected under 35 U.S.C. §103(a) as being obvious in view of U.S. Patent No. 5,996,997 to Kamille ("Kamille") in view of U.S. Patent No. 6,102,798 to Bennett ("Bennett").

In one embodiment (the "Fig. 7 embodiment"), Kamille discloses a lottery type game including a plurality of playing spots or areas which are each initially masked (Figs. 6A, 6B, 7A, 7C and col. 5, lines 19 to 29). The game includes a number of different starting arrows which indicate to the player a plurality of different places to begin play. The game starts by the player selecting one spot or area. The selected spot is revealed to uncover either a directional symbol, a win symbol with an associated award or a lose symbol (col. 5, lines 61 to 67). If a lose symbol is revealed, the game ends. If a win symbol is revealed, the player is provided the award associated with the win symbol and the game ends. If a directional symbol is revealed in the form of an arrow or pointer, the player is directed to select another specific spot or area with the next selection. The player's next selection is limited to the specific spot or area which the directional symbol indicates. In one embodiment, the directional symbol may be a two-pronged directional arrow that points to two locations or playing areas. In this embodiment, the player must decide between the two options provided as to which play area should be selected next (col. 9, lines 50 to 66).

Amended independent Claim 1 is directed to a gaming device that includes, in combination with other elements, a plurality of paths including a first path and second path. The gaming device has a display device for displaying the plurality of paths. Each of the paths includes a plurality of symbols associated with an outcome and the device includes a symbol marker. Moreover, the gaming device includes a path change condition selected from the group consisting of: (a) the symbol marker moving to a designated symbol on the first path at least twice, (b) the symbol marker moving to a designated type of symbol on the first path at least twice, and (c) the symbol marker completing at least two trips through the path.

In response to Applicants remarks in the May 19, 2004 Response to Office Action that Kamille does not disclose, teach or suggest a gaming device comprising a plurality of paths including a first path and second path, each of the paths including a plurality of symbols associated with an outcome, a path change condition and a display device for displaying a plurality of paths, the Office Action states that Kamille discloses the claimed language when the arrows act as path change conditions.

Applicants have amended the claim language of Claim 1 to clarify that the path change condition is selected from the group consisting of: (a) the symbol marker moving to a designated symbol on the first path at least twice, (b) the symbol marker moving to a designated type of symbol on the first path at least twice, and (c) the symbol marker completing at least two trips through the path.

Unlike the gaming device of amended independent Claim 1, Kamille does not disclose, teach or suggest such a path change condition. In Kamille, the path change condition is one designated symbol. Bennett is directed to a selection game and is cited only for its disclosure of displaying a marker for symbols already selected. Thus, Bennett and Kamille do not disclose, teach or suggest a gaming device that includes the path change condition of amended Claim 1. For this reason it is respectfully submitted that amended independent Claim 1 is patentably distinguished over Kamille and Bennett and in condition for allowance.

Claims 2, 3 and 11 depend directly from amended Claim 1 and are also allowable for the reasons given with respect to amended Claim 1 and because of the additional features recited in these claims.

The invention of amended independent Claim 12 is likewise patentably distinguished over Kamille and Bennett. Claim 12 has been amended to clarify that a path change condition is selected from the group consisting of: (a) the symbol indicator indicating one of the symbols on the first path at least twice, (b) the symbol indicator indicating a designated type of symbol on the first path at least twice, and (c) the symbol indicator indicating a plurality of symbols on the first path on at least two trips through the path. Bennett and Kamille do not disclose, teach or suggest a gaming device that includes the path change condition of amended Claim 12. For this reason it is respectfully submitted that amended independent Claim 12 is patentably distinguished over Kamille and Bennett and in condition for allowance.

Claims 13, 14, 22 and 23 depend directly from amended Claim 12 and are also allowable for the reasons given with respect to amended Claim 12 and because of the additional features recited in these claims.

The invention of amended independent Claim 24 is patentably distinguished over Kamille and Bennett. Claim 24 has been amended to clarify that the path change condition includes an association of a designated quantity of the identical type symbols with a change from the first path to the second path, wherein the designated quantity is at least two. Bennett and Kamille do not disclose, teach or suggest a gaming device that includes the path change condition of amended Claim 24. For this reason it is respectfully submitted that amended independent Claim 24 is patentably distinguished over Kamille and Bennett and in condition for allowance.

Claims 25, 26 and 28 depend directly from amended Claim 24 and are also allowable for the reasons given with respect to amended Claim 24 and because of the additional features recited in these claims.

The invention of amended independent Claim 29 is patentably distinguished over Kamille and Bennett. Claim 29 has been amended to clarify

that a path change condition is selected from the group consisting of: (i) enabling the symbol marker to move to one of the symbols on the first path a designated number of times, wherein the designated number of times is at least two; (ii) enabling the symbol marker to move to a designated type of symbol on the first path a designated number of times, wherein the designated number of times is at least two; and (iii) enabling the symbol marker to make a designated number of trips through the first path, wherein the designated number of times is at least two. Bennett and Kamille do not disclose, teach or suggest a method of operating a gaming device that includes enabling the path change condition of amended Claim 29. For this reason it is respectfully submitted that amended independent Claim 29 is patentably distinguished over Kamille and Bennett and in condition for allowance.

Claims 30 to 33 and 35 depend directly from amended Claim 29 and are also allowable for the reasons given with respect to amended Claim 29 and because of the additional features recited in these claims.

The invention of amended independent Claim 36 is patentably distinguished over Kamille and Bennett. Claim 36 has been amended to clarify that a path change condition is selected from the group consisting of: (i) determining one of the symbols on the first path a designated number of times, wherein the designated number of times is at least two; (ii) determining a designated type of symbol on the first path a designated number of times, wherein the designated number of times is at least two; and (iii) enabling determining a designated number of trips through the first path, wherein the designated number of times is at least two. Bennett and Kamille do not disclose, teach or suggest a method of operating a gaming device that includes enabling the path change condition of amended Claim 36. For this reason it is respectfully submitted that amended independent Claim 36 is patentably distinguished over Kamille and Bennett and in condition for allowance.

Claims 37 to 39 and 41 to 43 depend directly from amended Claim 36 and are also allowable for the reasons given with respect to amended Claim 36 and because of the additional features recited in these claims.

The invention of amended independent Claim 44 is patentably distinguished over Kamille and Bennett. Claim 44 has been amended to clarify that one of the symbols on the second path is indicated if at least two identical type symbols on the first path have been indicated. Bennett and Kamille do not disclose, teach or suggest a method of operating a gaming device that includes indicating one of the symbols on the second path if at least two identical type symbols on the first path have been indicated. For this reason it is respectfully submitted that amended independent Claim 36 is patentably distinguished over Kamille and Bennett and in condition for allowance.

Claims 45 to 49 depend directly from amended Claim 44 and are also allowable for the reasons given with respect to amended Claim 44 and because of the additional features recited in these claims.

The invention of amended independent Claim 50 is patentably distinguished over Kamille and Bennett. The method of Claim 50 includes causing the symbol marker to move to a second path when the symbol marker visits: (i) one or more of the designated symbols more than once; or (ii) more than one designated symbol in the first path. Bennett and Kamille do not disclose, teach or suggest a method of operating a gaming device that includes causing the symbol marker to move to a second path when the symbol marker visits: (i) one or more of the designated symbols more than once; or (ii) more than one designated symbol in the first path. For this reason it is respectfully submitted that independent Claim 50 is patentably distinguished over Kamille and Bennett and in condition for allowance.

Claims 51 to 54 depend directly from amended Claim 50 and are also allowable for the reasons given with respect to Claim 50 and because of the additional features recited in these claims.

The Office Action objected to Claims 7 to 10, 18 to 21 and 34 as being dependent upon a rejected base claim. The Office Action indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

New independent Claim 55 has been added. New independent Claim 55 includes the elements of objected to Claim 7. Claim 7 has been canceled.

New independent Claim 56 has been added. New independent Claim 56 includes the elements of objected to Claim 8. Claim 8 has been canceled. Objected to dependent claims 9 and 10, which previously depended from objected to Claim 8, have been amended to depend from new Claim 56.

New independent Claim 57 has been added. New independent Claim 55 includes the elements of objected to Claim 18. Claim 18 has been canceled.

New independent Claim 58 has been added. New independent Claim 58 includes the elements of objected to Claim 19. Claim 19 has been canceled. Objected to dependent claims 20 and 21, which previously depended from objected to Claim 19, have been amended to depend from new Claim 58.

New independent Claim 59 has been added. New independent Claim 59 includes the elements of objected to Claim 34. Claim 34 has been canceled.

Applicants respectfully submit that new independent Claims 55 to 59 and amended dependent Claims 9, 10, 20 and 21 are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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